

Senate Bill 1618

April 13, 2009

What the bill does:

- Mandates election of at least six council members from single member districts for city with population of 500,000 or more
- Allows staggered terms and additional at-large members
- Requires districts to be contiguous and of equal population to the extent practical (similar to federal Voting Rights Act)
- Takes effect:
 - If already 500,000 or more – first general election after 12/31/09
 - Federal decennial census reaches 500,000 – first general election after decennial results
- As a practical matter is bracketed to Austin

Effect of bill as written:

- Limits Austin's home rule authority and preempts Austin charter to convert six currently at large positions to single member districts
- Adopted bill subject to pre-clearance by federal Department of Justice
 - Legislation must pass preclearance
 - Any plan developed under legislation must be approved

Practical impact on conduct of City council elections:

- May 2011 general council election would be subject to single-member district requirement IF plan for districts is approved by DOJ
- Without DOJ preclearance, council elections continue at large
- Council could not increase number of council members established in charter without voter approval
 - Earliest charter amendment election – May 2011
- If charter amendment election approving increase in number of council members passes:
 - Plan to implement increase must be precleared by DOJ
 - Election to fill vacancies must be held within 120 days of election canvas

Who approves what:

- **Council:**
 - Under SB 1618 – map with six districts
 - Proposed charter amendment to be submitted to the voters, including:
 - Number of seats
 - Type of seats – single member, at large, super districts, multi-member
 - Plan implanting amendment (can be contingent on voter approval of a charter amendment)
- **Voters:**
 - charter amendment proposed by council
- **DOJ:**
 - Under SB 1618 – bill (submitted by Secretary of State); and map (submitted by city)
- **Charter amendment - plan and map after election is called, before it is held**

Every other Texas Cities over 500,000 more than six SM districts:

- Houston – 14 (9 SM; 5 and mayor at large)
- Dallas – 14 SM; mayor at large
- San Antonio – 10 SM; mayor at large
- El Paso – 8 SM; mayor at large
- Fort Worth - 8 SM; mayor at large

Number of times single member districts have been to voters:

Single-member districts have been presented to the Austin electorate **six** times. Each time the proposition failed, as follows:

- **April 7, 1973**
 - Proposed 6 members from single-member districts and 5 (including the Mayor) elected at large. The proposition failed 63% to 37%.
- **April 1, 1978**
 - Proposed 8 members from single-member districts and the Mayor elected at large. The proposition failed 71% to 28%.
- **January 19, 1985**
 - Proposed 8 members from single-member districts and the Mayor elected at large. The proposition failed 57% to 43%.

Number of times single member districts have been to voters (cont):

- **May 7, 1988**
 - Proposed 8 members from single-member districts and the Mayor elected at large. The proposition failed 57% to 43%.
- **May 7, 1994**
 - Proposed 8 members from single-member districts and the Mayor elected at large. The proposition failed 52% to 48%.
- **May 4, 2002**
 - Proposed 8 members from single-member districts and 3 (including the Mayor) elected at large. The proposition failed 58% to 42%.
- Lack of SM districts has been **adjudicated once** – Overton v. City of Austin 1989.